

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 7-9, drawn to a method of inhibiting hair growth comprising administering to a surface of skin in need thereof an effective amount of a plant extract; and

Group II: Claim 10, drawn to a method of inhibiting hair growth comprising administering to a surface of skin in need thereof an effective amount of an inhibitor of neutral endopeptidase and at least one proteolytic enzyme.

Applicants elect with traverse Group I, Claims 7-9, drawn to a method of inhibiting hair growth comprising administering to the surface of skin in need thereof an effective amount of a plant extract selected from the group consisting of *Juniperus* plant extracts, rye malt, oat malt and mixtures thereof. Applicants further elect the species rye malt in Claim 7 and the solvent of mixtures of water and alcohol described in Claim 8, with traverse.

The Examiner has indicated that inventions I and II are unrelated. That is, they are not disclosed as capable of use together and have different designs, modes of operation, and effects. The two groups have different methods of inhibiting hair growth comprising the administration of different ingredients.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. Applicants point out that while the two methods require the administration of different ingredients and the searches of the literature would not be coextensive, nevertheless it would not be an undue burden on the Examiner to search both inventions given the limited number of ingredients involved in each group.

Moreover, M.P.E.P. § 803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Applicants further request that should the elected species be found allowable, that the Examiner expand her search to the non-elected species.

Accordingly and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

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